

FILED

APR 25 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

Genaro Richard Perry ID NO. 1153366

SOUTHERN DESERT CORRECTIONAL CTN.  
20825 COLD CREEK RD.  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

Court of Appeals In The  
Supreme Court of Nevada

Genaro Richard Perry  
Appellant

v.

State of Nevada  
Respondant

CASE NO.: 82931-COA

DEPT. NO.: \_\_\_\_\_

DOCKET: \_\_\_\_\_

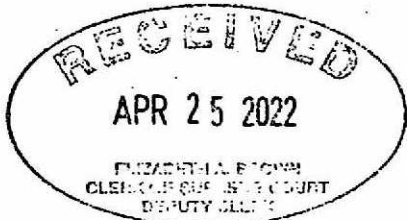
Petition For Rehearing under NRAP 40

COMES NOW, Genaro Richard Perry, herein above respectfully  
moves this Honorable Court for an Rehearing under NRAP rule 40

This Motion is made and based upon the accompanying Memorandum of Points and  
Authorities,

DATED: this 2 day of April, 2022

BY: Genaro R. Perry  
Genaro Richard Perry # 1153366  
Defendant In Proper Personam



22-13043

ADDITIONAL FACTS OF THE CASE:

1 Comes now appellant Genaro Richard Perry  
2 with this petition for Rehearing under NRAP Rule 40.

3  
4 Appellant filed a motion for extension of time  
5 to file this petition for Rehearing.

6 As Mr. Perry received the court order of affirmance  
7 that was filed on 2-18-2022. And was mailed  
8 from Mr. Perry's appellant counsel. But wasn't received  
9 by appellant until 3-22-2022.

10 which didn't leave enough time to do research  
11 and prepare this petition for Rehearing.

12  
13 Legal Argument

14 (1)

15 The court has overlooked or misapprehended  
16 a serious fact in Mr. Perry's defense.

17 Appellant claimed in trial and in his motion  
18 under NRS 176.0918. That the girlfriend cut  
19 Mr. Perry with the knife.  
20

21 This fact shows that the girlfriend was the  
22 aggressor in that act.  
23

24 Therefore when Mr. Perry's blood is found on  
25 the knife blade, that fully supports his  
26 self-defense theory. And would raise the  
27

## Legal Argument

reasonable possibility that Mr. Perry wouldnt have been prosecuted on these charges.

(2) Mr. Perry's appellant counsel Jean Schwartzer Esq failed to list any statute or NRS specifically for the fingerprint analysis. Counsel filed the artive motion and appeal under NRS 176.0918

Appellant counsel failed to reference Mahan v State 752 P.2d 208.

wich after much research. Seem's to be Nevada's only reference to testing fingerprints evidence upon appeal.

wich in this day and age seem's a little unbelievable. But according to the very limited amount of information in the Southern Desert Correctional Center's Law Library. This is the only case with any reference to petitioning the district court to have the fingerprints tested.

Appellant counsel's failure to list the proper supporting case and argument in the district court motion and this appeal. Should not be taken out on appellant.

## Legal Argument

This is ineffective assistance of Appellant counsel at the highest level.

Strickland v Washington 96 U.S. 608 (1984)

And a Due Process violation of Mr. Perry's 14<sup>th</sup> Amendment rights to the U.S. Constitution.

## Conclusion

Appellant would ask the court to consider these factors in this petition for Rehearing.

Then reverse the courts affirmance of this appeal and produce a order for the Metropolitan Police Department to conduct genetic marker and latent fingerprints analysis of evidence impounded at the crime scene.

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**CERTIFICATE OF SERVICE BY MAILING**

I, Genaro Richard Perry, hereby certify, pursuant to NRCP 5(b), that on this 2 day of April, 2022, I mailed a true and correct copy of the foregoing, "

petition for Rehearing"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the United State Mail addressed to the following:

Court of Appeals / NV Supreme Court  
201 South Carson Street  
Carson City NV  
89701

District Attorney  
Regional Justice Center  
200 Lewis Ave  
PO Box 52212  
LV NV  
89155-2212

CC: FILE

DATED: this 2 day of April, 2022

Genaro Richard Perry  
Genaro Richard Perry #1153366  
/In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018  
**IN FORMA PAUPERIS:**

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding \_\_\_\_\_

petition for Rehearing  
(Title of Document)

filed in Court Case number 82931

Does not contain the social security number of any person.

-OR-

Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific law)

-or-

B. For the administration of a public program or for an application  
for a federal or state grant.

Genaro L. Perry  
Signature

4-2-22  
Date

Genaro Richard Perry  
Print Name

\_\_\_\_\_  
Title